

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

SHAUN JOHNSON, )  
                        ) Case No. 3:16-cv-468  
*Plaintiff,*       )  
                        ) Judge Travis R. McDonough  
v.                    )  
                        ) Magistrate Judge Debra C. Poplin  
AMANDA HINDS,       )  
                        )  
*Defendant.*       )

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**MEMORANDUM OPINION**

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This is a *pro se* prisoner's complaint under 42 U.S.C. § 1983, filed July 8, 2016 [Doc. 1 p. 6]. Now before the Court is Defendant Hinds's motion to dismiss this matter as duplicative of Plaintiff's other pending lawsuit against her [Doc. 15]. For the reasons set forth below, this motion [*Id.*] will be **GRANTED** and this action will be **DISMISSED**.

In accordance with the Court's order [Doc. 5], Plaintiff filed an amended complaint [Doc. 6] which is the operative complaint in this matter [Doc. 5 p. 3]. Plaintiff's amended complaint [Doc. 6], however, contains the same allegations and claims as those set forth in his operative amended complaint in his other pending lawsuit against Defendant Hinds in this district, filed November 20, 2015. *See Johnson v. Hinds*, No. 2:16-CV-45 [Doc. 1 p. 11; Doc. 22]. While the amended complaints are not completely identical, as Plaintiff sets forth his factual allegations and claims in different orders in the two amended complaints, the substance thereof is identical. *Compare* [Doc. 6] with *Johnson v. Hinds*, No. 2:16-CV-45 [Doc. 22]. As such, this lawsuit is duplicative of Plaintiff's previously filed lawsuit.

Faced with a duplicative suit such as this one, a federal court may exercise its discretion to stay or dismiss the suit before it, allow both federal cases to proceed, or enjoin the parties from proceeding in the other suit. *See Smith v. SEC*, 129 F.3d 356, 361 (6th Cir. 1997). With respect to duplicative suits, the Sixth Circuit has stated that

simple dismissal of the second suit is [a] common disposition because plaintiffs have no right to maintain two actions on the same subject in the same court, against the same defendant at the same time. *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138–39 (2d Cir. 2000); *see also Missouri v. Prudential Health Care Plan, Inc.*, 259 F.3d 949, 953–54 (8th Cir. 2001) (joining other courts that have held a district court may dismiss one of two identical pending actions).

*Twaddle v. Diem*, 200 F. App'x 435, 438 (6th Cir. 2006) (alterations in original).

Accordingly, Defendant's motion to dismiss [Doc. 15] will be **GRANTED**, and this action will be **DISMISSED** as duplicative. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. See Rule 24 of the Federal Rules of Appellate Procedure.

**AN APPROPRIATE JUDGMENT WILL ENTER.**

/s/ *Travis R. McDonough*

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**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**